

Board of Adjustment

Minutes

City Council Chambers, Lower Level April 1, 2015

Board Members Present:

Trent Montague – Chair
Mark Freeman - Vice Chairman
Wade Swanson
Tyler Stradling
Greg Hitchens
Tony Siebers
Ken Rembold

Board Members Absent:

none

Staff Present:

John Wesley
Gordon Sheffield
Angelica Guevara
Kaelee Wilson
Margaret Robertson
Charlotte McDermott
Michael Gildenstern

Others Present:

Mike Miller
Sarah Miller

The study session began at 4:30 p.m. The Public Hearing began at 5:30 p.m. Before adjournment at 5:53 p.m., the following items were considered and recorded.

Study Session began at 4:30 p.m.

- A. The items scheduled for the Board's Public Hearing were discussed.

Study Session adjourned at 5:53 p.m.**Public Hearing began at 5:30 p.m.**

- A. Consider Minutes from the March 4, 2015 Meeting -A motion was made by Boardmember Freeman and seconded by Boardmember Rembold to approve the minutes. Vote: Passed 7-0
- B. Consent Agenda -A motion to approve the consent agenda as read was made by Boardmember Hitchens and seconded by Boardmember Siebers. Vote: Passed 7-0

Case No.: BA14-066 **APPROVED WITH CONDITIONS**

Location: 5721 East Leonora Street

Subject: Requesting: 1) a Variance to allow a carport to encroach into the required front yard; and 2) a Variance to allow a carport to extend in front of the front line of the house, both in the RS-7-PAD-AS zoning district. (PLN2014-00602).

Decision: Approved with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Hitchens seconded by Boardmember Siebers to approve case BA14-066 with the following conditions:

1. *Compliance with the site plan and elevations submitted, except as modified by the conditions listed below.*
2. *The interior space of the garage shall be extended to 44' in length.*
3. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

Vote: Passed (7-0)

The Board's decision is based upon the following Findings of Fact:

- A. The existing manufactured home was built with a large one-car carport. Adding the additional internal space is bringing the property into further compliance with the current code requirement of two covered parking spaces on a residential lot.
- B. The home was placed on the lot on an angle that is a preexisting condition and not self-imposed.
- C. Strict compliance with development standards would deprive the property owner of a privilege enjoyed by surrounding property owners.

Case No.: BA15-001 **CONTINUED**

Location: 2816 and 2828 South Country Club Drive

Subject: Requesting a Special Use Permit to modify and/or remove an existing comprehensive sign plan in the LC zoning district. (PLN2014-00640).

Decision: Continuance to the May 6, 2015 Meeting

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Hitchens seconded by Boardmember Siebers to continue case BA15-001 to the May 6, 2015 meeting.

Case No.: BA15-003 **APPROVED WITH CONDITIONS**

Location: 1300 block of South Sossaman Road (west side)

Subject: Requesting a Special Use Permit for a Comprehensive Sign Plan (CSP) in the LC-PAD-PAD zoning district. (PLN2014-00678)

Decision: Approval with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Hitchens seconded by Boardmember Siebers to approve case BA15-003 with the following conditions:

1. *Compliance with sign plan submitted, except as modified by these conditions.*
2. *All attached signage for Retail #1, Retail #2 and the two pad sites to follow standard Sign Ordinance in area and number.*
3. *Sign "D" includes an "electronic message display". Per Ch. 11-41-8 (D) 17, a Special Use Permit is required to allow the message to be displayed for a minimum period of less than one (1) hour.*
4. *Sign "F" is a single tenant monument sign. Signage area per to follow standard Sign Ordinance.*
5. *Sign "G" is a multi-tenant monument sign.*
6. *Compliance with all requirements of Development Services in the issuance of sign permits.*

Vote: Passed (7-0)

The Board's decision is based upon the following Findings of Fact:

- A. The CSP includes DETACHED SIGNS - This site has frontage on two different streets, and visibility from the neighboring Costco site. Standard Sign Code would allow a combined height of 22' of detached signage along Hampton and 24' along Sossaman. The CSP proposes detached signage that uses all of this available height for detached signage.
- B. The CSP includes SITE DIRECTIONAL SIGNS – Code limits site directional signs to 3' in height. The CSP proposes 2 directional signs, both to serve the carwash.
- C. The proposed CSP includes ATTACHED SIGNS – This CSP identifies three (3) specific attached signs for the carwash. The total area of these signs is within the limits of the Sign Ordinance. The CSP complies with straight Sign Ordinance for attached signage throughout the rest of the five-lot Sossaman Center.
- D. SIGNS THAT DO NOT REQUIRE A PERMIT – The CSP identifies a large sign on the south side of the carwash that will be located behind window glass. The Sign Ordinance specifies that window signage does not require a permit. Therefore, this sign is allowed, but is not calculated into the totals for attached signage.
- E. DESIGN INTEGRATION - The CSP can be seen as a tool to promote superior design throughout a development. This CSP identifies architecturally-integrated signs and specifies location, size, height, construction material, color, and type of illumination and orientation of proposed signs.
- F. The CSP, with adopted conditions of approval, will be compatible with the existing development as well as surrounding properties, and will not be detrimental to adjacent development.

Case No.: BA15-006 CONTINUED TO MAY 6, 2015 MEETING

Location: 1035 West Fairway Drive

Subject: Requesting a Variance to allow a detached garage to encroach into the required side and rear yard in the RS-9 zoning district. (PLN2015-00060)

Decision: Continuance to the May 6, 2015 meeting

Summary: The applicants, Mike and Sarah Miller presented the case to the Board.

Boardmember Hitchens asked the applicants if they have had direct conversations with Salt River Project, the utility provider at 1035 West Fairway, as he considered the situation odd because utilities don't usually place power poles unless they have an easement. In addition, he was curious whether a power line is allowed to cross one property to serve another, and encouraged the applicant to check with their neighbor and SRP to see if this is permissible. He stated that he would like to be better informed about clearance requirements for a Public Utility Easement before a decision is made.

Mrs. Miller confirmed for the Board that SRP replaced the original guy wires within the last year and then sited the new pole 3'-4' to the northeast of the original site of the removed pole. She also mentioned that the guy wire is located 3 feet from the back wall and side yard. She confirmed for the Board that they are still receiving overhead power service from the pole.

Zoning Administrator Sheffield asked to interject, and stated to the Board that the south property line along Greenway Street's combined radius is 117', and the property line along Fairway Drive is 184'. He went on to say that even though the house at 1035 West Fairway faces to the west, the narrower side is legally defined as the front, so technically the front of the lot is on the south side of the lot on Greenway Street. He confirmed that the rear and front setback is 25', and as the house sits, it meets RS-9 setback requirements. He went on to say that if the proposed addition was moved 1' to the west, and as long as it maintained the 7' setback, the variance would become unnecessary.

Mr. Sheffield conveyed this fact to the applicants directly, and recommended that to protect all of their options, they ask for a continuance of the case. He went on to say that the applicant should submit for permit for the garage, and then if some other technical aspect arises that may require a variance in the future, the case wouldn't need to be re-advertised, and it could be heard again by the Board.

The applicants confirmed for the Board that they would maintain the 7' setback off of the side wall, and that they would be continuing the case to the May Board of Adjustment Meeting.

Motion: It was moved by Boardmember Swanson seconded by Boardmember Siebers to continue case BA15-006 to the May 6, 2015 meeting.

Vote: Passed (7-0)

Case No.: BA15-007 **APPROVED WITH CONDITIONS**

Location: 825 West University Drive

Subject: 825 West University Drive (District 4) – Requesting: 1) a Substantial Conformance Improvement Permit to allow the redevelopment of a commercial center; and 2) a Special Use Permit to allow reduced parking; both in the LC zoning district. (PLN2015-00066)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Hitchens seconded by Boardmember Siebers to approve case BA15-007 with the following conditions:

1. *Compliance with the project narrative, site plan, landscape plan and elevations submitted except as modified by the following conditions.*
2. *The Compliance with the Administrative Design Review approval for this redevelopment project.*
3. *Compliance with all City development codes and regulations.*
4. *Compliance with all requirements of Development Services in the issuance of building permits.*
5. *Provide two trees and six shrubs in each landscape islands at the end of each rows of parking spaces (in the parking area facing the former fry's grocery store building.*
6. *Install one raised landscape island between the two existing islands at the end of each row to break the parking field (16 parking spaces compared to 8 space per current code) to achieve at least one every eight spaces only in front of the proposed redevelopment.*
7. *Install trees along the south property line within the existing perimeter landscape yard only for parcel 1.*
8. *Install 1 tree and 6 shrubs per 25 linear feet of Extension Road frontage per Section 11-33-3.*
9. *Remove all temporary structures, outdoor storage units, vents, and similar items that are located at the rear of the building along south elevation.*
10. *Remove all non-operating roof top mechanical equipment.*
11. *All new roof-mounted equipment shall be screened by an encompassing monolithic unit, rather than several individual screens or "hats". The height of the screening element shall equal or exceed the height of the structure's tallest piece of installed equipment per Section 11-30-9A1.*
12. *Install gates to the existing trash enclosure at the rear of the building per current city standards*
13. *Install a pedestrian connection between Extension Road and the proposed redevelopment prior to certificate of occupancy of the first future tenant.*
14. *Repair the existing driveway access off of Extension Road per City of Mesa Standards.*
15. *Install brick veneer or tiles at the wainscot level compatible with the existing urgent care pad building.*
16. *Submit a revised site plan, landscape and building elevations including color ones and materials board for staff approval prior to Building Permit submittal.*
17. *All conditions shall be met prior to issuance of a Certificate of Occupancy.*

18. Signage (detached and attached) need separate approval and permit issued by Development Services

Vote: Passed (7-0)

The Board's decision is based upon the following Findings of Fact:

- A. The approved redevelopment of the site invokes conformance with current development standards.
- B. At the time of initial development in 1985, the setbacks, foundation base, and landscape requirements of the Zoning Code varied or were non-existent when compared to the development standards of the current Code.
- C. The project provides 423 parking spaces on-site where 430 spaces are required. The reduced parking for only 7 spaces compared to current code should not affect the center. The center has various types of uses ranging from retail to medical including fitness center which will help to distribute the parking demand throughout the business hour and not create heavy peak hour or demand at any certain time of the day
- D. Requiring compliance with the current code would not allow the redevelopment of the site to occur.
- E. The deviations requested are consistent with the degree of change requested and improve the site significantly making it an asset to the neighborhood.
- F. The improvements with the adopted conditions of approval help bring the site into a closer degree of conformance with current standards.
- G. This use will not be detrimental to surrounding properties.

Case No.: BA15-008 **APPROVED WITH CONDITIONS**

Location: 3630 East Southern Avenue

Subject: Requesting a Special Use Permit to allow a wireless communications facility to exceed the maximum height allowed in the LC zoning district.. (PLN2015-00067)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Hitchens seconded by Boardmember Siebers to approve case BA15-008 with the following conditions:

1. *Compliance with the plans and elevations dated March 27, 2013, except as modified by the following conditions below.*
2. *Removal of all equipment from the abandoned monopole.*
3. *Installation of new carrier equipment on the abandoned monopole within 90 days of discontinuance of use, or removal of this structure.*
4. *The proposed wireless communication facility shall utilize a mono-palm design with a maximum height of fifty-five feet (55') to the top of the palm canopy and fifty feet (50') to the RAD center of the antenna array.*
5. *The wireless communication facility shall utilize a Faux Date Palm design with a minimum of 65 palm fronds. Palm frond lengths shall be (45) at 9' and (20) at 7'.*
6. *Palm tree trunk to have bark cladding material to resemble the bark of a date palm.*
7. *The antenna array stand-off shall not exceed 18" maximum from the pole, or shall employ a porcupine type mount to allow a stand-off that exceeds 18".*
8. *The antenna array for each sector shall not exceed an overall width of 5'.*
9. *The antennas shall not exceed 11.9" wide x 7.1" deep x 96" tall with three antennas per sector.*
10. *All antennas, mounting hardware, and other equipment near the antennas shall be painted to match the color of the adjacent faux palm element.*
11. *The lease area containing the ground-mounted equipment shall be screened by a 7'-4" tall masonry wall to match existing, with solid metal gate.*
12. *Provide and maintain two natural living (25' and 35' high) Phoenix Canariensis Date Palms within a landscape area surrounding the equipment enclosure to help camouflage the proposed wireless communication facility.*
13. *New trash enclosure design to meet Engineering standards, including a 24' width.*
14. *The use of the "future generator lease area" requires administrative approval.*
15. *The operator of the mono-palm shall respond to and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*

Vote: Passed (7-0)

The Board's decision is based upon the following Findings of Fact:

- A. The requested Special Use Permit (SUP) would allow the placement of a 55-foot high mono-palm in the northeast corner of this site, behind the commercial center.
- B. An existing monopole (CT05-012) is being decommissioned by AT&T which will re-locate its

facilities on the approved mono-palm. There is a 90-day period for this monopole to be reused under the existing approval.

- C. The existing enclosure for ground-mounted equipment is being enlarged, and an adjacent trash enclosure is being relocated to make space for the expansion.
- D. The mono-palm and associated ground-mounted equipment including emergency generator would be located within a screened area. A “future generator lease area” is identified on the site plan. This use will require administrative approval.
- E. The wireless communication facility has been approved to address a gap in “LTE indoor signal strength”. Approval of a SUP for this mono-palm requires finding that the wireless communication facility is compatible with and not detrimental to surrounding properties and is consistent with the General Plan and other recognized plans and policies approved by the City Council.
- F. Wireless communication facilities that exceed the maximum height permitted, are an allowed use in the LC Zoning District subject to granting of a Special Use Permit. In addition, the Zoning Ordinance includes location, design, and operation requirements.
- G. Location Preferences: The Zoning Ordinance provides a ranked listing of preferred locations for new wireless communication facilities. Top preference is given to placement on existing non-residential structures, such as buildings or utility facilities located more than 300 feet from residential zones; followed by co-location on existing wireless communication facilities. When such locations are not available, locations within industrial zones are preferred, followed by stealth applications in commercial zones, then stealth applications in residential zones. This proposal is for a stealth application in a commercial zone.
- H. Design Preferences: The Zoning Ordinance provides a ranked listing of preferred design approaches for new wireless communication facilities. Top preference is given architecturally integrated building mounted antennas, such as steeples, chimneys, and cupolas, followed by building mounted antennas concealed by faux-structures, then antennas directly mounted to building and visible, but artistically integrated into the structure. When building mounted locations are not available, freestanding structure designs such as sculptures and clock towers are preferred, followed by freestanding stealth trees, then freestanding monopoles. This proposal is for a stealth application in a commercial zone.
- I. Location of Facilities: The Zoning Ordinance allows new freestanding antenna structures, within commercial districts, to be located within 1,000 feet of another freestanding facility, provided a stealth design is used. The Board approved a mono-palm as the stealth design for the new pole. The existing, abandoned pole is 47’-6” tall with previous colocations approved up to 57’-6”. The Zoning Ordinance allows 90 days for a new provider to locate on the pole.
- J. Height of Facilities: The approved mono-palm is 55’ tall. The requested SUP will allow this facility to exceed the 30’ height limitation of the LC zoning district.
- K. Required Separation and Setbacks: Alternative antenna structures, such as a mono-palm, must be setback from residential uses a distance equal to the height of the structure plus one foot and setback from streets a distance equal to the height of the structure plus one foot. The approved 55’-tall mono-palm is located 184 feet from 37th Street, and is located 130 feet from the adjacent residential property, to the north.
- L. Design Standards: The Zoning Ordinance provides several standards to help ensure antennas, antenna support structures, and related equipment are located, designed, and screened to blend with the existing natural or built surroundings. Specific to the use of a mono-palm design, these

standards help ensure that faux-trees actually camouflage the wireless facility. The approved number and size of faux palm fronds will screen the antennas to current standards. Ground-mounted support equipment will be located within a newly expanded yard that will be screened by a CMU wall to match the height and material of the previously-approved existing wall. The expanded yard requires the relocation of an existing enclosure for dumpsters. The new dumpster enclosure will have to meet the Mesa's Engineering design standards for these structures.

- M. Required Landscaping: The Zoning Ordinance requires wireless communication sites to include a landscape buffer of plant materials that effectively screens views of the base of support structures and equipment facilities from adjacent residential properties, public right-of-way, path, or trail. This site includes a large landscape area with mature trees and shrubs that screen the ground-mounted equipment enclosure. Per Code, the Board may condition the addition of "secondary plantings of trees similar in appearance to the stealth design" to mitigate the visual impact of the mono-palm. The Board adopted conditions of approval adding two living palm trees in the adjacent landscape area for this purpose.

Case No.: BA15-009 **APPROVED WITH CONDITIONS**

Location: 2730 East Baseline Road

Subject: Requesting a Substantial Conformance
Improvement Permit to allow redevelopment of the site in the LC zoning district.

Decision: Approved with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Hitchens seconded by Boardmember Siebers to approve case BA15-009 with the following conditions:

1. *Compliance with the project narrative, site plan, floor plan, and elevations submitted except as modified by the following conditions.*
2. *The pedestrian connection proposed from the building to Baseline Road shall include upgraded materials such as colored and/or stamped asphalt or concrete and shall not be composed of painted stripes except at the accessible parking space.*
3. *Provide a designated pedestrian access route across the drive aisle on the north side of the building to connect to the building to the north. The pedestrian connection shall include upgraded materials such as colored and/or stamped asphalt or concrete and shall not be composed of painted stripes.*
4. *Each parking lot landscape island shall include one tree and three shrubs as per Sec. 11-33-4.*
5. *Provide 1 tree and 6 shrubs per 25 linear feet along the south property line.*
6. *Provide landscape material within the right-of-way that consists of low-water using trees, shrubs, and groundcovers to comply with the City of Mesa's Engineering and Design Standards.*
7. *Automobile repair as allowed in the Limited Commercial Zoning District is limited to the service and repair of automobiles, light-duty trucks, and motorcycles, including the sales, installation, and servicing of related equipment and parts. This classification includes quick-service oil, tune-up, wheel and brake shops, muffler shops, auto glass services, and tire sales and installation, where repairs are made or service provided in enclosed bays and no vehicles are stored overnight. This classification excludes establishments providing engine repair, body and fender work, vehicle painting, or towing. It also excludes repair of heavy trucks or construction vehicles.*
8. *Minor Automobile/Vehicle Service and Repair shall be operated in compliance with Section 11-31-6 which requires all noise-generating activities to be conducted within the building with sound attenuating measures to absorb noise. Compressors shall be located within separately enclosed, sound attenuated rooms.*
9. *A separate sign permit is required from the Development Services Office to modify the existing free standing sign or to install new signage on the building.*
10. *Compliance with all requirements of Development Services in the issuance of building permits.*

Vote: Passed (7-0)

The Board's decision is based upon the following Findings of Fact:

- A. The change of use from a restaurant to minor automotive repair invokes conformance with current

development standards on the entire site.

- B. At the time of initial development in 1998 the setbacks, foundation base, and landscape requirements of the Zoning Code varied when compared to the development standards of the current Code.
- C. The site was developed with some street frontage landscape that has died and has not been replaced within the existing landscape yards and will need to be replaced as a condition of approval of the SCIP.
- D. Requiring additional landscape along the street frontage and within the parking lot landscape islands will help bring the site closer to compliance with current code while allowing the reuse of the site.
- E. Requiring compliance with current code would require the removal of existing improvements and would discourage the property owner from retrofitting the site for the intended and allowed use.
- F. The approved improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.
- G. The approved use will not be detrimental to surrounding properties.

Case No.: BA15-010 **APPROVED WITH CONDITIONS**

Location: 1441 North Gilbert Road

Subject: Requesting a Variance to allow a fence to exceed the maximum height permitted in the front yard in the RS-9 district.

Decision: Approved with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Hitchens seconded by Boardmember Siebers to approve case BA15-010 with the following conditions:

1. *Compliance with the site plan and elevations submitted, except as modified by the conditions listed below.*
2. *Compliance with Transportation's requirements for a visibility triangle.*
3. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

Vote: Passed (7-0)

The Board's decision is based upon the following Findings of Fact:

- A. The home is uniquely placed on a lot that has frontage on Gilbert Road.
- B. Strict compliance of the code would deprive the property owner from constructing a 6 foot wall along the Gilbert Road frontage that functionally serves as a side yard.
- C. The home directly to the south was granted a variance in 1995 to construct a 6 foot wall along Gilbert Road.
- D. The wall will be screened by existing 20 foot oleanders which are located along Gilbert Road.

OTHER BUSINESS:

None

ITEMS FROM CITIZENS PRESENT

None

Respectfully submitted,

Gordon Sheffield, AICP CNU-a
Zoning Administrator